



STATE OF WASHINGTON

APR 08 1998

WASHINGTON TRAFFIC SAFETY COMMISSION

1000 S. Cherry St., PO Box 40944 • Olympia, Washington 98504-0944 • (360) 753-6197

April 6, 1998

Mr. Phillip H. Wayt
Executive Director
Washington Beer & Wine Wholesalers Association
504 E. 14th Avenue, Suite 140
P. O. Box 1319
Olympia, WA 98507

*Handwritten: Name redacted
STP 10/97*

Handwritten: Information website

Dear Mr. Wayt:

I am writing today to propose a productive collaboration between our organizations to help drivers understand the relationship between alcohol consumption and intoxication related to driving. The new DUI laws will leave members of the public wondering how much they can drink. I think that it is in the business interest of your members to participate in the development and distribution of materials that carry this message.

I would welcome an opportunity to work together. We face a big challenge in helping the driving public understand how much they can drink before they should stop driving. I am hoping that your association will join or supplement our efforts.

It is not our intention to discourage consumption of alcoholic beverages such as beer and wine. However, we do need to help the public recognize their limit should they decide to drive following consumption.

Perhaps we could meet to discuss possible avenues of cooperation. I would be happy to come over to your office, or you can come to my place. Perhaps you could give me a call and we can make a date for a discussion.

Sincerely:

Handwritten signature: John M. Moffat
John M. Moffat, Director
Governor's Highway Safety Representative

Handwritten notes:
- What is threshold - litigation
- ALG is ALG.
- Have 108.10 issue alone
- Designated Driver
- Court on Rm E be Reference
- Contact

WBW-007425

| | |
|----------------------------|------------|
| PLAINTIFF'S EXHIBIT | |
| CASE NO. | CV04-0360P |
| EXHIBIT NO. | 157 |

EXHIBIT NO. 229 Date: 8/1/05
Deposition Of Phillip Wayt VVBVV-UU/425
CONNIE CHURCH, Court Reporter

Washington Beer and Wine Wholesalers Association

PO Box 1319
Olympia, WA 98507
(360) 352-5252
Fax: (360) 943-9784

FAX TRANSMISSION COVER SHEET

Date: April 8, 1998

To: WBWWA Board of Directors

Frank DiMario - President
Fred Bevegni - 1st Vice President
Ted Rusnak - 2nd Vice President
Mike (BJ) Bjerke - Secretary
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Mike Hewitt - Immediate Past President
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OK - TA 2
LINE 2000

-90 SEC

Re: DUI Issues Update

Sender: Phil Wayt

YOU SHOULD RECEIVE Four PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (360) 352-5252.

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As I'm sure you've seen, the same day Governor Locke signed our pallet bill into law, he also signed 13 DUI crackdown bills into law. They have varied effective dates. A list is enclosed.

On these issues, particularly .08, the effective date of January 1, 1999 is supposed to give the Department of Licensing time to gear-up their computer system, allow courts, prosecutors and police time to prepare, and also give the state time to advertise the change. With that in mind, I received the enclosed letter from the Washington Traffic Safety Commission today.

Personally, I think that if they truly have the attitude stated in their fourth paragraph "not to discourage consumption of beverages such as beer and wine," we should support these education efforts. I'm not sure what role they might have in mind for us, but usually they want distribution of materials and/or funding. In either case I think helping might be a positive move for our (distribution) industry.

WBW-007426

WBWV-UU/426

Keep in mind that we supported all these bills, with the exception of .08.

When the Commission speaks of "helping the driving public understand how much they can drink" I hope that perhaps I can make some headway helping them understand the difference between beer, wine and distilled spirits. Generally, when working with state agencies or the legislature, this argument falls on deaf ears even after we present evidence, etc.

At any rate, unless I hear differently from you today or tomorrow, I want to call the director by Friday and see what kind of plan they have in mind. If you think I'm on the wrong track or if you have specific suggestions, please give me a call today or tomorrow. Otherwise, I'll go forward and see how we can assist the project and hopefully, get some positive press or relationships along the way.

A "legislative wrap-up" issue of Keg & Cask will be mailed today to everyone, giving a complete report on the legislative session, etc. Also, later this week we'll have our new Membership Directory in the mail.

Please call me soon if you have input on the Traffic Safety Commission issue.

Also, be sure you have the Summer General Membership Meeting dates on your calendar. They are Thursday, July 16 - Sunday, July, 19 at Ocean Shores. As I report in today's Keg & Cask, registration materials will be mailed late this month.

WBW-007427

WBW-007427

By bill number, the key points of the DUI bills are listed below:

HB 1221 allows local governments to impound cars when the driver's license has been suspended or revoked because of drunken driving or other violations. Effective 6/11/98.

HB 1254 requires district courts to keep permanent records of drunken drivers' convictions. Effective 6/11/98.

HB 2500 authorizes law enforcement officers from other states to pursue drunken drivers across the border into Washington when necessary. Effective 6/11/98.

HB 2885 allows electronic home monitoring instead of jail time for first offenders. Effective 6/11/98.

HB 3070 extends to seven years (from five) the length of time a DUI conviction will appear on the offender's record for purposes of mandatory sentencing, and requires the Department of Licensing to maintain deferred prosecution records permanently. Effective 1/1/99.

HB 3082 limits deferred prosecution to once in a driver's lifetime, and strengthens the conditions of deferred prosecution. Effective 1/1/99.

SB 6142 requires license suspension for first-time drunken drivers without going to court first. Effective 1/1/99.

SB 6165 requires drunken drivers with an alcohol level above .15 to have an ignition interlock, which will prevent the car from starting unless the driver is sober. This bill is known as the Mary Johnson Act, in memory of Mary Johnson, who died last year at the hands of a chronic, repeat drunken driver. Effective 1/1/99.

SB 6166 requires courts to verify the complete criminal history and driving record before disposing of a drunken driving case. This law also increases sentences for vehicular homicide based on prior DUI convictions. Effective 1/1/99.

SB 6187 increases fees drunken drivers must pay to get their license back from \$50 to \$150. This revenue will go directly to counties and cities to help pay the cost of enforcing these new DUI laws. Effective 6/11/98.

SB 6257 reduces the blood-alcohol limit for drunken driving from .10 to .08. Effective 1/1/99.

SB 6293 requires electronic home monitoring for repeat offenders after they complete their jail time. It also requires DUI defendants to appear personally in court the day after arrest, rather than having an attorney appear for them. Effective 1/1/99.

SB 6408 requires courts to consider the presence of passengers in the car when they sentence drunk drivers. Effective 6/11/98.

WBW-007428

WBW-007428